



Lamoine Board of Selectmen

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Minutes of April 29, 2010

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen William Brann, Richard Fennelly Jr., Cynthia Donaldson, S. Josephine Cooper, Gary McFarland; Administrative Assistant Stu Marckoon, Planning Board members Michael Garrett, Michael Jordan, Gordon Donaldson, Donald Bamman, Chris Tadema-Wielandt; Code Enforcement Officer Dennis Ford, Barbara Davis and William Haass

Agenda Review – Selectmen agreed to take addendum item 1 out of order and move it to item #6 on the printed agenda.

Minutes of Previous Meeting - April 1, 2010 – Cynthia said she would update the Freedom of Information request on page 5 later in the meeting. Richard said he had a written clarification in regard to the MDI Tuition issue on page 7. Jo said she had a clarification for page 1. Jo moved to approve the minutes with the corrections. Gary 2nd. **Vote in favor was 5-0.**

April 15, 2010 – Richard noticed a missed period. Jo moved to approve with that change. Richard 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 21 – Selectmen signed warrant 21 in the amount of \$13,849.88.

Cash & Budget Report – There were no questions.

Investment Management Report – Stu said the return the last couple of months has not been real good. Cynthia asked why the interest was so far off compared to the percentage of the year that has passed. Stu said there were several factors, including that the revenue budget was developed a year and a half ago, property tax collections were split into two parts, so there was not as much money in the bank for as long a period of time, and the bank's investment strategy was adjusted to match cash flow needs. He noted that interest rates have also fallen off dramatically.

Hodgkins Trust Report – There were no questions.

Uncollectible Account – Stu reported that a bulky waste bill generated by Chris Kittredge has not been paid for a couple of years, and the bills are being returned by the post office. He recommended the Selectmen authorize a write off of \$49.78. Jo so moved. Richard 2nd. **Vote in favor was 5-0.** Selectmen signed an order to write off the account as uncollectible.

Credit/Debit Cards – Cynthia said she didn't understand why an offer from The First would be accepted. Jo noted the expensive setup fee. A short discussion followed on the offer from The First and Municipay. Jo said she didn't see the point of paying a lot of money to accept credit and debit cards. Stu said he would follow up with Municipay.

Oil Prepurchase – There was a brief discussion about the offer from No Frills Oil and the potential price of heating oil. Selectmen discussed participation in a bulk purchase with RSU 24, and monitoring the price of oil to try to take advantage of the best price. Chris Tadema-Wielandt remarked that the recent oil well fire and spill in the Gulf of Mexico could affect the price.

Meeting with Planning Board, Code Enforcement Officer – Jo asked how things were going. Mike Garrett said it was a good sign that the Selectmen requested the meeting instead of the Planning Board.

Jo noted that several ordinance revisions passed at town meeting. Gordon Donaldson said the Planning Board did not have a planned report. He said the level of business before the board is down as there have been fewer applications and no subdivisions submitted for a while. He said the Planning Board would spend more time dealing with a list he has been compiling of what's wrong with the ordinances. He said among the things to tackle next might be cluster housing.

Jo said the Selectmen are looking at business development and issues like zoning. She said there would be a facilitated forum on May 20th at the school. She said that was a result of a goals discussion about improving town revenues. She said things are quieter than they were a few years ago in terms of development pressure.

Chris Tadema-Wielandt said the Planning Board touched on the Comprehensive Plan which is aged and could stand revitalization. Jo said if the town has some leeway on the Comp Plan it does need updating and zoning is an issue. A short discussion followed regarding funding and state requirements. Mr. Garrett said if the Comp Plan is reviewed the state tends to dictate how it is done. Jo said that can run into a lot of cost, so the process bears investigation.

Dr. Donaldson said the town has changed a lot since the Comp Plan was last updated in 1996. He said there is a cell phone tower, and maybe a windmill on the horizon. He said he'd like to keep the community balanced by attracting a younger population, and it's a good idea to think about longer range issues.

Jo asked how things are with the Code Enforcement Officer. Dennis Ford said business has been slow, but steady. Mr. Garrett noted the Planning Board has become reacquainted with the CEO thanks to better meeting attendance. Dr. Donaldson said the CEO generally will touch base with him prior to a meeting. Stu noted that there has been an up-tick in the number of complaints and investigation requests.

Mr. Ford said there is an option of doing notices of violation in-house or enlisting the assistance of the Department of Environmental Protection, and he was looking for guidance on which path to follow. There was a brief discussion about a lack of response from the DEP on a recent Shoreland case. Mr. Ford noted that the DEP will come down if asked, but dumps enforcement of violations onto the town. He asked whether the town should continue using the DEP on all Shoreland issues, or keep investigations in-

house. Jo said the DEP might have expertise to call on, and would like to hear a comparison of cases where the DEP had responded and where they had not. Another brief discussion followed in regard to a Shoreland cutting case that Mr. Ford said should be ready to close out, but he's waiting for the DEP to inspect it. Cynthia asked if having the DEP in on violations adds clout for the town. Mr. Ford said it seems like the DEP makes demands of the town for enforcement, then backs off. Jo asked if the town is looking to the DEP for expertise. Mr. Ford said the DEP's field agent is excellent. There was further discussion about how the DEP works.

Jo asked if the Planning Board and CEO were getting adequate communications from them. Mr. Ford said he is advising Shoreland Zoning applicants to get DEP approval for projects prior to applying for a Shoreland permit from the town. He asked again if the DEP should be involved in every instance. Jo said it should be a case by case basis, as the Code Enforcement Officer is the first line of decision making.

Donald Bamman said the permitting fees in the ordinance are based on a home's footprint, so that a 2-story house would pay the same fee as a one story house. He said the Planning Board may revisit that. Mr. Ford said another ordinance suggestion is a change so that Selectmen can set the fee structure, instead of waiting for a town meeting vote to change the ordinance every time. Jo noted fees have come up several times. Dr. Donaldson said Mr. Ford's suggestion makes a lot of sense, as the Selectmen are the ones who are on top of the budget.

Mr. Ford said he'd like to redesign the application process so there are different forms for different items. A short discussion followed. Jo said if that works for the CEO and the Planning Board, they should go for it. Richard and Gary agreed. Dr. Donaldson said the Planning Board may return to the Selectmen with more specifics on updating the Comp Plan.

Stu noted there was a sub-item on the agenda involving a verbal complaint about the activity on Chickadee Lane, but the person who made the complaint was not present for the meeting. Jo asked if there has been any written complaint. Stu said there was not.

Local School Advisory Committee – Dr. Donaldson said the Local School Advisory Committee voted to ask the Board of Selectmen to consider a warrant article in regard to school choice and the MDI Debt Service option. He said he was a little discouraged that a formal request had not yet come to the Selectmen. He said the minutes of the LSAC show a unanimous vote in favor. He said there should be another open conversation in regard to the school choice issue. Jo said if the LSAC voted, it should be discussed. Stu noted it was on tonight's agenda, but no further communication had been received.

Richard said he watched the LSAC meeting and the issue is not school choice, but the town picking up part of the debt service. Dr. Donaldson said those attending the meeting felt the chances of keeping MDI High School as a choice are reduced without picking up the debt service. There was a lengthy discussion about the debt service surcharge issue. Dr. Donaldson said another open discussion might make people feel better. Stu reported that MDI Superintendent Rob Liebow had called him earlier in the

day to see whether the matter would be discussed tonight and that he advised Mr. Liebow he had not received any further communication so he didn't expect much discussion. Selectmen asked that this be put on the agenda for the May 13, 2010 meeting.

Request of William Haass re: Barbara Davis/Tree Growth Penalty – Jo said there was a fair amount of information before the Selectmen this evening in regard to this matter, including a memorandum from the Chair of the Board of Assessors, a letter from a lawyer, and a copy of the state law regarding abatements. Mr. Haass said he wanted to request a joint meeting with the Board of Assessors to discuss an abatement of the supplemental tax imposed on his mother in 2008. Selectmen agreed that would be OK, and Stu will communicate that to the Board of Assessors.

Snow Plowing Contract – Jo moved to sign the contract with Richard McMullen. Richard 2nd. **Vote in favor was 5-0, Selectmen signed the contract.**

Resignation – Jo moved to accept, with regret, the resignation of David Grasso as an alternate member of the Lamoine Parks Commission. Gary 2nd. **Vote in favor was 5-0.**

Sign replacement- Town Hall – Gary noted that the old wooden sign that was painted by his grandfather that used to hang on the town hall itself will be repainted at some point. Stu said it's the sign in the ground outside the town hall that needs to be replaced. He explained that Gary Saunders would use PVC board and vinyl lettering which will last for a very long time. Jo moved to authorize construction. Richard 2nd. **Vote in favor was 5-0.**

Step Repair – Stu reported that Fire Chief Skip Smith had repaired the broken step area this week and would be patching the eroded areas shortly. He said the ramp will likely crack more in the coming years due to the rail installation.

Technology Room Re-wiring – Stu reported that an electrician is going to rewire the technology room so it will function better and look nicer. There was a brief discussion about the Cable TV operation and the equipment the town owns, and whether the Cable TV fund could be tapped to help toward other projects. Stu said the money for the rewiring would come from the Cable TV fund.

Request of Town of Southwest Harbor – Stu reported the Town of Southwest Harbor has requested to see if other towns are interested in possibly sharing services. He said he spoke with Town Manager Robin Bennett earlier in the week and all the other towns in the MDI League of Towns had responded positively. Jo said she was interested, especially in the sense of public works. A short discussion followed.

School Budget Validation – Stu reported that according to a Department of Education bulletin, a question should be appearing on the June 8th ballot on whether the RSU wishes to continue with the budget validation voting process.

PERC/MRC – Stu reported it's the annual Guaranteed Annual Tonnage determination time, and that he is recommending no change at this time. There was a discussion about how PERC generates power and the economics of the operation.

Also discussed was a memorandum from the Municipal Review Committee about fund stabilization. Selectmen were in favor of a gradual increase until 2018, and did not favor having the MRC towns purchase the plant.

Septic Grant – Selectmen suggesting a minor promotion of the septic grant eligibility program. Richard suggested concentrating it in the Mud Creek area to see if there might be some sort of failing septic in that area that is causing the clam flats to be closed down.

Safe Routes to School Grant – Jo said she would see if Healthy Acadia might help her file a grant application in that program.

Small Harbors Improvement Program – Though state facilities are not eligible, it was noted that the state park folks will meet with the Selectmen on May 13th.

Referendum vs. Open Town Meeting Question – Richard asked what the Board would do with the results prior to the outcome at the fall election. Cynthia said the purpose of the questionnaire was to get the community talking about the issue prior to the fall vote. Richard said it appears this is taking a survey.

Jo suggested a section from the Maine Municipal Association's Local Government in Maine booklet be copied. She said she would bring that next meeting. The section she was interested in has to do with the forms of government in Maine. She said copies should be made available to the public. A short discussion followed.

Cynthia said she would like a check of the reading level of the edited document. She said the format should be less formal looking. There was a brief discussion about having a person at the town hall on June 8th to help with distribution and collection. Selectmen submitted more written edits.

Welcome to Lamoine Packet – Stu reported that the packet had been updated to current practices, and it was surprising how much has changed in just 5-years. Richard asked if an updated policy manual has been worked on. Stu said he had started that this week. Cynthia noted she was attempting to put together a simple publication and passed out a very rough draft of it. A short discussion followed. Selectmen signed the updated welcome package.

Job Descriptions – Tax Collector/Town Clerk/Registrar & Assistant – Richard asked if a track of the changes could be included in the update. Cynthia asked if the responsibilities for each job could be segregated. No action was taken – a new edit will be considered at a later date.

Verizon Wireless – Stu reported payment for Verizon Wireless was deposited the previous day, and the May payment was deposited today. There was a brief discussion about when the tower might be in operation.

Business Development Forum – Stu reported he had composed a memo to the various appointed boards and a poster for general distribution. Selectmen had no objection to either.

Goals – Jo said she thought the board had followed through on last year's goals fairly well. She noted the top goal was to find alternative revenues to lower taxes. She said the question was well put by someone at the 2009 candidate's night and that the cell phone tower was a good way to bring in some revenues. She said the issue has been approached as a board, and this is a good issue for an open forum where people need to talk back and forth to each other. She said that's where ideas come from.

Richard said the cell tower is bringing a business to town. He said we now need a really good business that brings in some revenue. Jo said the forum is good progress. Richard said continuing those efforts to try to get a really good revenue producer would be good for the town.

Jo asked where the board would like to go on goals. Richard said continuing business development. Gary said he agreed, and the shellfishing regulation effort is part of that. Cynthia said she would like to see more done with nurturing an identity of the town such as events and celebrations that could bring people together, and having that continue as a goal. She noted the dedication of the sculpture would also mark the State Park's 75th birthday and the town's 140th birthday.

Jo said the previous item 5, which is a periodic report from the school, and focusing on young people is an important goal. She said it's important for kids, and she would like to see the board be pro young people and pro young-adults/young families. She said she would like to see some younger people involved on committees. Cynthia said the fishing derby is a great example.

Mike Jordan said he believed that a goal should be to have all town roads wired for cable TV/Broadband access. He said the Planning Board may require subdivisions to wire cable, and if there is no place to hook into on a town road, that becomes a problem. A short discussion followed. Jo asked there should be a goal to access broadband, or maybe have a technology exploration goal. There was a discussion about placing the TV channel on the Internet.

Stu said he would like to have the policy manual update be a goal.

Selectmen asked to keep business development on the list.

Appointment: Alternate Parks Commissioner – Jo moved to appoint Doug Jones to the vacant position created by the resignation approved earlier in the meeting. Gary 2nd.
Vote in favor was 5-0.

Mill Road Speed Limit – Stu reported the Maine DOT had approved lowering the speed limit on Mill Road's residential section to 25 MPH. There was a brief discussion about where that was located.

Freedom of Access Request – Cynthia asked if there had been any further information requests from Mr. Sharkey. She reported that Diane and Jennifer had assisted her with gathering the information Mr. Sharkey had requested and she read a letter she sent along with the information to Mr. Sharkey on April 8th.

William asked if Mr. Sharkey had some sort of contention. Jo said it appears to be a continuing contention. Cynthia explained that Mr. Sharkey had sent certified mail to the Selectmen asking for copies of Stu's expenses.

Stu noted that Mr. Sharkey had requested the 3rd Wednesday of each month be reserved at the town hall for Republican Party meetings. He said he sent Mr. Sharkey a copy of the application and the policy on use of the town hall by non-town groups and had not heard back.

Next Meeting – The next regular meeting will be on May 13, 2010.

There being no further business, the meeting adjourned at 9:12 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen